

UNITED STATES DISTRICT COURT

for the

Western District of Virginia

MAR 28 2008

JOHN F. CONCORAN, CLERK
BY: M. Hupp
DEPUTY CLERK

United States of America)

v.)

Angelo Walton)

Case No: 4:93CR70036-001USM No: 2027-1016Date of Previous Judgment: May 24, 1994

(Use Date of Last Amended Judgment if Applicable)

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 262 months is reduced to 240.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 38Amended Offense Level: 36Criminal History Category: IICriminal History Category: IIPrevious Guideline Range: 262 to 327 monthsAmended Guideline Range: 210 to 262 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☒ The reduced sentence is within the amended guideline range.
☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
☐ Other (explain):

III. ADDITIONAL COMMENTS

Defendant's new sentence is 240 months for Counts 1, 2, 3 and 4, all to run concurrently.

See Attached Addendum for a detailed explanation of the reasons for Defendant's new sentence.

Except as provided above, all provisions of the judgment dated May 24, 1994 shall remain in effect.

IT IS SO ORDERED.

Order Date: 3-28-08

Jackson L. Kiser
 Judge's signature

Effective Date: 4/7/2008
 (if different from order date)

Senior United States District Judge Jackson L. Kiser
 Printed name and title

United States of America v. Angelo Walton
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Addendum to Order Regarding Motion for Sentence Reduction

Effective: 4/7/2008

Defendant was the leader of an extensive crack cocaine conspiracy involving very large quantities of crack cocaine and he was often seen with firearms. In addition, Defendant has been less than a model prisoner. He has garnered some 19 infractions of prison rules during his time in federal custody, including fighting (1/4/06), use of drugs (10/3/04), and several instances of refusing to obey orders.

After considering the factors set forth in 18 U.S.C. § 3553(a) and in particular the nature of the offense and the need for deterrence, I find that a sentence in the middle of the Guidelines range is more appropriate than a sentence at the bottom of the Guidelines range.